

REMARKS

In complete response to the outstanding Official Action of November 24, 2008, on the above-identified application, reconsideration is respectfully requested. Claims 13 – 23 and 25 - 27 remain pending in this application.

Withdrawal of Rejections

Applicant thanks the Examiner for withdrawing the rejections of:

- claims 13-23, 25, and 27 under 35 U.S.C. § 102(a) or (b) as anticipated by PG '054;
- claim 26 under 35 U.S.C. § 103(a) over PG '054; and
- claims 13-23 and 25-27 on the ground of obviousness-type double patenting.

Claim Rejections Under 35 U.S.C. § 103

Claims 13-23 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ducrocq (WO 03056044) cited using its English equivalent PG-pub US 2005/0103159 (hereinafter PG '159) in view of Meyers et al. (US 6,245,122 hereinafter US '122). Applicant respectfully traverses because PG '159 fails to disclose, teach, or suggest all of the limitations of the claims and US '122 fails to cure the deficiencies of PG '159. More particularly, PG '159 fails to disclose, teach or suggest a first phase associated with a setpoint C1 between about 0.1 vol % and about 5 vol % and a second phase associated with a setpoint C2 between about 3 vol % and about 15 vol % wherein C1 is less than C2. As such, the rejection should be withdrawn.

CONCLUSION

In view of the current amendments, the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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